

Matthew R. Carlyon (12712)
FORAN GLENNON PALANDECH PONZI & RUDLOFF PC
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Firm ID 38567
Proposed Special Litigation Counsel for Debtor

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

SCHULTE PROPERTIES LLC,

Debtor.

Bankruptcy Case No. 18-12734-MKN
Chapter 11

**EX-PARTE STIPULATION AND ORDER FOR SUBSTITUTION OF
SPECIAL LITIGATION COUNSEL**

Submitted pursuant to: Local Rule 2014(b).

SCHULTE PROPERTIES LLC, the Debtor in Possession in the above-captioned bankruptcy matter (“Debtor”), along with MATTHEW R. CARLYON, Esq. (“MRC”) and the law firm of FORAN, GLENNON, PALANDECH, PONZI, & RUDLOFF, P.C. (“Foran Glennon”) hereby stipulate to the substitution of Foran Glennon, as special litigation counsel to Debtor, in place of MRC, who was employed by this Court as Debtor’s special litigation counsel on April 28, 2021 [ECF 853] and who joined Foran Glennon on May 24, 2021.

AS SUCH, IT IS HEREBY STIPULATED:

1. Foran Glennon shall replace MRC as Debtor’s Special Litigation Counsel, and hereby acknowledges responsibility for all pending dates and deadlines applicable to employment in that

1 role, as the employment is defined by the Order Granting Application to Employ Special Litigation
2 Counsel [ECF 853].

3 2. No amount has been or will be charged to the Debtor on account of the transfer of
4 responsibility of this matter from MRC to Foran Glennon, including for the drafting and submission
5 of this stipulation and order.

6 3. All amounts received or held by MRC for this matter have been transferred to Foran
7 Glennon, to be held in trust until such time as this Court approves Foran Glennon's employment and
8 interim or final fee applications.

9 4. Pursuant to the attached Verified Statement/Declaration of Matthew Carlyon, Foran
10 Glennon meets all criteria necessary for employment in this matter and is a disinterested
11 person/entity in this matter.

12 5. This substitution effects no change in the Special Litigation Counsel's scope of
13 services to be rendered to the Debtor.

14 6. This substitution effects no change in the rates charged by the Special Litigation
15 Counsel, including attorneys, paralegals, or legal assistants.

16 7. Foran Glennon has received the consent of MRC, Debtor, and Debtor's Counsel,
17 Matthew L. Johnson to substitute in place of MRC in this matter.

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20 **IT IS SO ORDERED:**

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Honorable Mike K. Nakagawa
23 United States Bankruptcy Judge
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1 Stipulated by:

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3 DATED: June 10, 2021.

4 /s/ Matthew R. Carlyon
5 MATTHEW CARLYON
6 *Special Litigation Counsel to Debtor*

7 DATED: June 10, 2021.

8 /s/ Matthew R. Carlyon
9 MATTHEW CARLYON
10 FORAN GLENNON PALANDECH PONZI & RUDLOFF PC
11 222 North LaSalle Street, Suite 1400
12 Chicago, Illinois 60601
13 Tel: (312) 863-5000; Fax: (312) 863-5099
14 Firm ID 38567
15 *Proposed Special Litigation Counsel for Debtor*

16 DATED: June 10th, 2021.

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18 Melani Schulte, Managing Member
19 Schulte Properties, L.L.C.
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Exhibit 1

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In re:

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**VERIFIED STATEMENT/DECLARATION OF PROFESSIONAL
IN SUPPORT OF EX-PARTE STIPULATION AND ORDER TO SUBSTITUTE SPECIAL
LITIGATION COUNSEL**

MATTHEW CARLYON, states under penalty of perjury as follows:

8. I am an attorney and counsel at law, admitted to practice in the District of Nevada (Bankruptcy and District Court) and in Illinois.

9. I am an attorney and I maintain an office for the practice of law at 222 North LaSalle Street, Suite 1400. Chicago, IL 60601.

10. On April 28, 2021 I was employed as special litigation counsel to Debtor.

11. On May 24, 2021 I accepted employment with the law firm of Foran, Glennon, Palandech, Ponzi, & Rudloff, P.C. ("Foran Glennon").

12. I immediately notified Debtor of my Employment with Foran Glennon, and obtained Debtor's consent to transfer all files, legal work, and responsibility from Matthew Carlyon to Foran Glennon.

1 13. Neither I nor any of the partners, associates, of counsel attorneys, or employees are
2 relatives of the United States Bankruptcy Judges serving in the United States Bankruptcy Court for
3 the District of Nevada, which Judges are making appointments or approving employment of
4 professional persons in the above-captioned Court, as the term "relative" is defined in 11 U.S.C.
5 section 101(39). Bankruptcy Rule 5002(a). Furthermore, to the best of my knowledge, neither I nor
6 any of the partners, associates, of counsel attorney, or employees of Foran Glennon are related to a
7 bankruptcy judge or any employee of the Office of the United States Trustee. (Bankruptcy rule
8 2014(a); Guidelines Section 2.1.4).

9 14. Foran Glennon and the members thereof have no connection with the United States
10 Trustee, the Debtor, creditors or any other party in interest, or their respective attorneys and
11 accountants (except as noted below), and represents no interest that is adverse to the Debtor, or to
12 the Estate, in matters upon which it will be engaged as counsel.

13 15. I was previously employed by JOHNSON & GUBLER, P.C. from June 3, 2013
14 through August 8, 2014. I have not current relationship with JOHNSON & GUBLER, P.C.

15 16. To the best knowledge of Affiant, the law firm of Foran Glennon does not hold or
16 represent an interest adverse to the above-captioned estate, and Foran Glennon is a "disinterested
17 person/entity" within the meaning of the United States Bankruptcy Code. 11 U.S.C. Section 327 (a);
18 "Guidelines" Section 2.1.4

19 17. Foran Glennon has not provided pre-petition services to the Debtor.

20 18. Foran Glennon has received a flat-fee retainer payment of \$60,000. This amount is and
21 shall be held in trust until interim and/or final approval of fees in this matter by this Court. The
22 source of this payment is the Debtor.

23 19. To the best knowledge of Affiant, other than by employing Matthew Carlyon, Foran
24 Glennon has no connections with the Debtor, creditors or any other parties in interest, or the
25 respective attorneys and accountants with respect to the scope of services rendered or to be rendered
26 in any capacity whatsoever in connection with the above-captioned case, and no agreement or

1 understanding exists between Foran Glennon and any other person or entity for the sharing of
2 compensation received or to be received for services rendered in connection with the above-
3 captioned case, nor shall Foran Glennon agree to share in the compensation of any other person
4 rendering services in connection with the above captioned case. Bankruptcy Rule 2016(a);
5 “Guidelines” Section 2.1.4.

6
7 DATED: June 10, 2021.

8 /s/ Matthew R. Carlyon

9 MATTHEW R. CARLYON
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